

**DAVID N. BRAININ**  
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**I.      Profession      Accrediting Agency or Jurisdiction      Date of Admission**

Attorney	New York State and Federal Courts (SDNY, EDNY, 2d Cir., US Sup. Ct.)	1958 (NYS)
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**II.      Professional Organization      Date of Admission      Active/Inactive**

American Bar Association		Active
NYSBA		Active
ABCNY		Active
NYCLA		Active
SPIDR		Active

**III.      General professional experience:**

Practicing attorney since 1958, in corporate, commercial, mergers and acquisitions, municipal, labor and employment law and litigation. Arbitrator since 1963; Mediator since 1990. 80% or more of practice is in arbitration and mediation.

**IV.      General pertinent experience:**

Of Counsel, Locker Greenberg & Brainin, P.C. since 1981; Partner, Brainin & Goldstein, 1978-81; County Attorney and First Deputy (1975-77), Westchester County (1975-78); Partner, Rubin Wachtel Baum & Levin and predecessor firms, 1960-74; Brainin & Longo, 1959; Legal Assistant, Cravath Swaine & Moore, 1954-58.

Practice has included a broad range of counseling, negotiation, mergers and acquisitions, litigation and administrative law, affecting individuals, municipalities, publicly owned and closely held corporations, unions, security holders, directors, officers and employees. Presently engaged primarily in alternative dispute resolution.

**V.      Mediation training:**

American Arbitration Association: Commercial Mediation - 2 courses, each, 2 days; Construction Mediation - 1 course, 3 days; Courses at SPIDR meetings, AAA meetings, ADR Committee Meetings (as instructor and participant, etc.). USDC, SDNY - 2 day mediation training, and others. Participated as facilitator in 3-day course given by NASD at Bankruptcy Court; Instructor in employment mediation course, NYCLA, 1999.

## **VI. Pertinent bankruptcy training:**

Attended PLI courses in 1960's. Studied at law school. Worked with bankruptcy counsel on several matters in the 1980's and 1990's.

## **VII. General pertinent business or legal experience:**

ARBITRATION: Labor: Arbitrator in trucking, recycling, private sanitation, airline catering and manufacturing industry cases, and several employer/employee disputes at NY Stock Exchange; issues include discipline and discharge, timeliness, wage reopener, employer shutdown.

Panels: AAA Labor Panel; N.Y. State PERB; NYC Office of Collective Bargaining; N.Y. State Employment Relations Board Panel; NYC Health & Hospital Corp. Hearing Officer Panel; Westchester County Hearing Officer Panel; contract arbitrator, United Production Workers, Local 17-18 w. Williamsbridge Trade Association; N.Y. State Education Dept., Section 3020-2 (Education Law) Panel.

Commercial: AAA Commercial Panel (including Construction and Securities). Arbitration Panels of NY Stock Exchange, National Association of Securities Dealers, National Futures Association, Chicago Board Options Exchange and United States District Courts, SDNY and EDNY. Service in more than 100 commercial, construction and securities arbitration proceedings, including several cases involving over \$1,000,000. NYC Small Claims Court Arbitrator, since 1979, participating in hundreds of hearings.

MEDIATION: Experienced approx. 90 commercial, construction, employment and human rights mediations. Panels: AAA Commercial; NYC Human Rights Commission; NASD Securities Mediation; Mediator and Neutral Evaluator, U.S. District Court, SDNY and EDNY; and Complaint Mediation Panel App. Div., 1st Dept., Disciplinary Committee.

OTHER PROFESSIONAL ACTIVITIES AND PUBLICATIONS: Various bar association committees, including N.Y. State Bar Association Labor and Employment Law Section, ADR Committee, Task Force on the Profession, Committee on Professional Discipline; N.Y. County Lawyers Association, Arbitration and ADR, and Labor Law; City Bar of N.Y., Labor Law and Arbitration and ADR; ABA, ADR Section; ADR Committee of Labor and Employment Law Section. Publication in corporate law and labor law areas in N.Y.U. Law Review, The Business Lawyer and elsewhere (details on request). Fee dispute committee of NYCLA,

ABCNY and Bronx Bar Association (Joint Committee). Society of Professionals in Dispute Resolution.